



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 30, 1993

Ms. Karen Hendershot Bailey
Assistant City Attorney
City of Victoria
P.O. Box 1758
Victoria, Texas 77902-1758

OR93-737

Dear Ms. Bailey:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), Government Code chapter 552.¹ We assigned your request ID# 22601.

The City of Victoria (the "city") has received a request for certain information in possession of the city police department. Specifically, the requestor seeks "[a]ll records maintained, possessed or created by the Victoria Police Department relating in any way to a male subject named Albert Yancey." You advise us that most of the information has been made available to the requestor. You object, however, to release of a vehicle registration computer printout and mug shots. You claim that this information is excepted from required public disclosure by sections 552.101 and 552.108 of the act.

You claim that the vehicle registration computer printout is excepted from disclosure by section 552.101, which excepts "information considered to be confidential by law, either constitutional, statutory, or by judicial decision," in conjunction with article 6675a-17A, V.T.C.S. Article 6675a-17A provides as follows:

(a) The State Department of Highways and Public Transportation or a county may not release to any person information contained in vehicle registration records in response to a

¹We note that the Seventy-Third Legislature repealed article 6252-17a, V.T.C.S. Acts 1993, 73d Leg., ch. 268, § 46. The Open Records Act is now codified in the Government Code at chapter 552. *Id.* § 1. The codification of the Open Records Act in the Government Code is a nonsubstantive revision. *Id.* § 47.

telephone inquiry by license number. The department or a county may release information only if: (1) the person first submits the request in writing, including the person's name and address and stating that the use of the information is for a lawful and legitimate purpose; or (2) the person enters into a written service agreement with the department or the county to receive the information.

(b) This section does not apply to the release of information to:

(1) a peace officer, as that term is defined in Article 2.12, Code of Criminal Procedure, if the officer is acting in an official capacity; or

(2) an official of the state, a city, town, county, special district, or other political subdivision of the state if the official is requesting the information for tax purposes.

V.T.C.S. art. 6675a-17A. In Open Records Decision No. 583 (1990) (copy enclosed), this office determined that article 6675a-17A does not provide confidentiality for motor vehicle registration information. Rather, it provides that a request for such information must follow certain forms and relate to a lawful purpose. Open Records Decision No. 583 at 1-2. Once a written request is received for information specified in article 6675-17A(a), the requested information must be released unless any of the exceptions enumerated in subchapter C of the act apply.

You advise us that the city police department obtained the vehicle registration information pursuant to the exception set forth in article 6675a-17A(b)(1) in connection with a murder investigation. You claim that the requestor has not fulfilled the conditions for release of vehicle registration information set forth in article 6675a-17A(a). Article 6675a-17A, however, governs only the Department of Public Safety and counties; it does not require cities to withhold vehicle registration information absent satisfaction of the conditions. Thus, the requestor need not fulfill the conditions set forth in article 6675a-17A(a) to obtain the requested vehicle registration information. Accordingly, the vehicle registration information must be released in its entirety.²

You also claim that the requested mug shots are excepted from required public disclosure by sections 552.101 and 552.108 of the act. In Open Records Decision No. 616 (1993) (copy enclosed), this office recently determined that a mug shot taken in connection with an arrest for which the arrestee was subsequently convicted that did not

²This office has on numerous occasions held that information may be transferred between governmental agencies without destroying its confidential character. *See, e.g.*, Open Records Decision Nos. 567, 561 (1990); 516 (1989); 490 (1988). These decisions, however, do not apply in this instance, because vehicle registration information is not confidential. *See generally* Open Records Decision No. 583.

relate to an active criminal investigation was not protected from public disclosure under sections 552.101 and 552.108 of the act. You advise us that the mug shots at issue here were taken in connection with a murder investigation for which the arrestee was subsequently convicted. You also advise us that the murder investigation has been closed. We conclude, therefore, that you may not withhold the requested mug shots under sections 552.101 and 552.108 of the act. The requested information must be released in its entirety.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,



William Walker
Assistant Attorney General
Open Government Section

WMW/GCK/rho

Ref.: ID# 22601

Enclosures: Open Records Decision Nos. 616, 583
Submitted documents

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(w/o enclosures)